

REMARKS/ARGUMENTS

This paper is intended as a full and complete response to the Office Action dated April 4, 2006.

Applicant appreciates the conversation with Applicant's attorney in April to see if amending the claims to candy only and the feature of being removable edible candy could be considered.

As applicant is only 8 years old, this is a very important case to the Applicant.

Applicant appreciates that the Examiner will consider the above amendments and sincerely hopes the Examiner will call the Applicant's attorney if there is any way to place the claims in condition for allowance.

Claims 1-7 and 11 are cancelled.

Claims 8-10 and 12-14 are pending in the Application.

Applicant acknowledges and thanks the Examiner for entering the amendments to the drawings submitted on 9/13/2005 and the amendments to the specification submitted on 8/25/2005 and discussing the case in April 2006 with the attorney of record.

I. Claims Rejection 35 USC § 103

The Office Action rejected Claims 1-2, 4-10 and 12-14 under 35 USC § 103(a) as being unpatentable over *Westmoland* US Patent 5,201,578.

Applicant has cancelled all but the candy earring with lighting claims to simplify the case.

Applicant only claims earrings for holding removable edible candy with directed lights that allows users to eat the candy at nighttime from the earrings since the edible candy is removable and illuminated by light from the earrings..

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Westmoland does not teach the attachment of edible candy to an earring hook

Westmoland teaches an earring requiring two plates, a battery between the plates and no directional lighting.

Applicant in contrast teaches the application of utilizing directional lighting to illuminate the removable edible candy.

Westmoland does not teach an earring used for advertising edible candy for sale. The candy is not merely decorative, since it is edible by the vendor.

Food is not decorative in this invention. Food is candy, eaten by 8 year old kids as nutrients that keeps them moving and running.

Food is in no way suggested by the "fine changes" and decorative item 29 of *Westmoland*.

Applicant shows in Figure 2 element 16 is shown on clip 10. Light from element 16 shines on Candy 14. The illumination enables a kid to see the candy in the nighttime so they can eat, or a vendor to light the edible candy to sell more and eat it too.

The invention as stated in [001] is for a wearable display for showing food and candy. Paragraph [002] recites these are "edible products" in line three which fully supports the amendments to the claims inserted "edible" to distinguish the candy from a "merely decorative item" of *Westmoland*.

Paragraph [003] states this invention is for "at least one edible food item" in line 3. Paragraph [10] recites "at least one edible food item (14) or two food items (14a) can be removeably secured to the hook (12). *Westmoland* does not teach that the fine chains are removable. Nowhere in Column 7 does *Westmoland* suggest a removable feature of the decorative item 29.

Applicant again notes the case of *In re Dembiczak* 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999) where a 35 USC § 103 rejection was reversed based on "the relationship

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between the fields of conventional trash bags and children's crafts, respectively ("[t]he artisan would also have been well aware of the ancillary, corollary, and atypical uses of 'trash' bags such as their application in hobby and art projects"). In the Applicant's situation, a jeweler would have to be aware of the ancillary, corollary, and atypical use of "food items" such as their application in jewelry before a 103 rejections can be supported. Applicant believes that no such relationship exists. Applicant has never seen a jeweler want to put candy on earrings with lighting directed at the candy. Candy rings are not earrings with lights. Hard candy necklaces laces through string are not candy earrings with removable candy and directed lights.

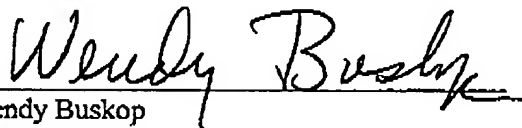
Applicant again points to paragraph [004] of the application as filed to again point out that the invention is stated to be for "edible food items" in line 1.

The claims have been amended to reflect "edible" which is a clear functional distinction from the decorative items of *Westmoland*.

Applicant appreciates the Examiner's time and attention to this matter. Reconsideration of this application is respectfully requested. The Applicant invites the Examiner to contact the Applicant's representatives (713.403.7411) if any questions concerning this Application arise.

Respectfully submitted,

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